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6 Bartell Hotels, a California Limited Partnership,
7 dba Half Moon Anchorage
Attorney for Plaintiff
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10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 BARTELL HOTELS, A California Limited
13 Partnership, dba HALF MOON ANCHORAGE,

14 Plaintiff ,
15 v.
16 M/Y CLAIRE IRENE, a 1968 Owens Motor
17 Yacht of Approximately 40-Feet In Length And
18 11-Feet In Beam, Bearing California D.M.V.
19 Registration No. CF 8646 ED, AND ALL OF
HER ENGINES, TACKLE, ACCESSORIES,
EQUIPMENT, FURNISHINGS AND
APPURTENANCES, *in rem*,

Defendant.

} Case No. 07 CV 2097 L (BLM)
IN ADMIRALTY
DECLARATION OF PHILIP E.
WEISS IN SUPPORT OF EX
PARTE APPLICATION FOR
ORDER AUTHORIZING
REMOVAL OF CONTAMINATED
WATER ABOARD DEFENDANT
VESSEL
F.R.C.P. Supplemental Admiralty
Rules C and E.
46 U.S.C. Sections 30101-31343

I, Philip E. Weiss, declare under penalty of perjury under the laws of the United States and the State of California as follows:

1. I am counsel of record in this action for Plaintiff Bartell Hotels. This Declaration is offered in support of Plaintiff's Application for Order Authorizing Removal of Contaminated Water Aboard Defendant Vessel. I have personal knowledge of the below matters, and if called to testify as to such matters I could and would competently testify thereto.

2. My client's Marina Manager, Mr. Brad Oliver, has informed me of his belief that even after removing dozens of gallons of oily and otherwise contaminated water from the

1 DEFENDANT VESSEL, approximately 400 gallons remains aboard. I believe it is prudent and
2 proper for the Substitute Custodian to arrange for the immediate removal of this contaminated water.
3 This is a particular concern because the 40 year old DEFENDANT VESSEL is, according to Mr.
4 Oliver, in poor condition and a risk exists she could unexpectedly partially or fully flood, resulting in
5 a release of contaminated water into navigable waters of the United States. I am aware that even a
6 comparatively small spill can cost an enormous amount to clean up, as I was involved perhaps 10
7 years ago in a marine casualty in Los Angeles in which approximately 55 gallons of fuel was
8 discharged into the harbor, and in that case the invoice for clean up work exceeded \$1.2 million. I
9 believe that in view of this risk, it is reasonable and proper for the Substitute Custodian to retain
10 outside professional services to dewater the DEFENDANT VESSEL and to lawfully dispose of the
11 contaminated water.

12 Executed this 7th day of March, 2008 at San Diego, California.

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15 Philip E. Weiss
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